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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE DISTRICT OF ARIZONA
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8 Jose Chavez, et al.,) No. CV 01-245-TUC-FRZ (JM)
9 Plaintiffs,)
vs.) **ORDER**
10)
11 United States of America, et al.,)
12 Defendants.)
13)
14)

15 Pending before the Court are two Reports and Recommendations issued by United States
16 Magistrate Judge Marshall. In the first Report and Recommendation (Doc. 178), Magistrate
17 Judge Marshall recommends granting Defendants' motion to dismiss for lack of subject
18 matter jurisdiction or in the alternative for judgment on the pleadings. In the second Report
19 and Recommendation (Doc. 179), Magistrate Judge Marshall recommends denying the
20 motion for judgment on the pleadings filed by Defendants James Ziglar, David Aguilar,
21 Ralph Hunt, Alvaro Obregon, Felix Chavez, and Michael Campbell. The Court has reviewed
22 the parties' respective objections and responses to the objections. As the Court finds that the
23 Reports and Recommendations properly resolved the motions at issue, the parties' objections
24 are denied.¹

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26 _____
27 ¹The Court reviews de novo the objected-to portions of the Report and Recommendation.
28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court reviews for clear error the unobjected-to
portions of the Report and Recommendation. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739
(7th Cir. 1999); *see also Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

1 Accordingly, IT IS HEREBY ORDERED as follows:

- 2 (1) The two Reports and Recommendations (Doc. 178, 179) are accepted and adopted.
- 3 (2) Defendants' motion to dismiss for lack of subject matter jurisdiction or in the alternative
4 for judgment on the pleadings (Doc. 126) is granted.
- 5 (3) The motion for judgment on the pleadings filed by Defendants James Ziglar, David
6 Aguilar, Ralph Hunt, Alvaro Obregon, Felix Chavez, and Michael Campbell (Doc. 143) is
7 denied.
- 8 (4) As the previous referral pertains to all pretrial proceedings, and pretrial proceeding
9 remain in this case, the referral to Magistrate Judge Marshall is still in effect. All filings in
10 this action shall be designated as: **CV 01-245-TUC-FRZ (JM)**.

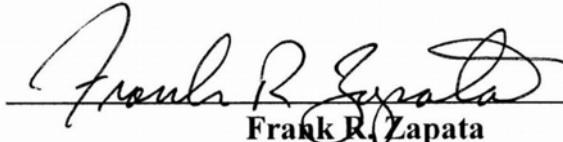
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DATED this 23rd day of September, 2010.

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Frank R. Zapata
Senior United States District Judge

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